

SEC. 708. REQUIREMENT TO PROVIDE CONGRESS NOTICE AND OPPORTUNITY TO COMMENT BEFORE MODIFYING OR [CERTIFYING] A REGULATION.

Based on the review and recommendations made under section 704(b)(1) and the recommendations of the Administrator under 706(a)(2), the head of a covered Federal agency shall certify that a regulation is effective or shall modify or consolidate such regulation, except that the head of the covered Federal agency may not make such certification, modification, or consolidation unless the head of the covered Federal agency—

- (1) submits to the Congress—
 - (A) notice of the proposal to take that action, at least 120 days before the effective date of that action; and
 - (B) notice of the final determination to take that action, at least—
 - (i) 60 days after submitting notice under subparagraph (A) for the action; and
 - (ii) 60 days before the effective date of the action; and
 - (2) reviews and considers comments submitted to the covered Federal agency by ap-

propriate committees of the Congress during the 60-day period beginning on the date of submittal of notice under paragraph (1)(A) of the action.

SEC. 709. DEFINITIONS.

In this title:

- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Office.
- (2) COVERED FEDERAL AGENCY.—The term “covered Federal agency” means each of the following:
 - (A) The Environmental Protection Agency.
 - (B) The Occupational Safety and Health Administration.
 - (C) The Department of Transportation (including the National Transportation Safety Administration).
 - (D) The Food and Drug Administration.
 - (E) The Department of Energy.
 - (F) The Department of the Interior.
 - (G) The Department of Agriculture.
 - (H) The Consumer Product Safety Commission.

- (I) The National Oceanic and Atmospheric Administration.

- (J) The United States Army Corps of Engineers.

- (K) The Mine Safety and Health Administration.

- (3) APPROPRIATE COMMITTEE OF THE CONGRESS.—The term “appropriate committee of the Congress” means with respect to a regulation each standing committee of the Congress having authority under the rules of the House of Representatives or the Senate to report a bill to enact or amend the provision of law under which the regulation is issued.

- (4) OFFICE.—The term “Office” means the Office of Information and Regulatory Affairs in the Office of Management and Budget.

- (5) REGULATION.—The term “regulation” means the whole or a part of a covered Federal agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, other than such a statement to carry out a routine administrative function of a covered Federal agency.